

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MONSANTO COMPANY and )  
MONSANTO TECHNOLOGY LLC )  
Plaintiffs, )

vs. )

LOREN DAVID, )  
Defendant. )

Case No. 4:04CV425 HEA

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on remand from the Federal Circuit Court of Appeals for additional fact finding concerning the Roundup Ready soybean density of Defendant's fields in 2003. The Court has again reviewed the record. Defendant testified at various times that his planting rate was between three fourths of a unit to one and one half units per acre. Taking this testimony, together with the crop insurance records and the record as a whole, the Court finds that the appropriate planting rate for Roundup Ready soybeans seeds is one unit, (50 pounds), per acre. Based on this finding, and the finding that the average total acreage planted in 2003 was 2,222 acres, the total amount of units used in 2003 was 2,222. As previously found, Defendant purchased 645 fifty pound units of Roundup Ready soybean seed in 2003. Therefore, 645 units must be subtracted from the total amount. This

results in 1,577 units of infringing soybean seed. The Court's previous royalty of \$55.04 per unit remains applicable. Therefore, Plaintiffs are entitled to a royalty for 1,577 infringing units in the amount of \$86,798.08.

An amended judgment, including recalculation of prejudgment interest, is entered this same date.

Dated this 16th day of October, 2008.

A handwritten signature in cursive script, reading "Henry Edward Autrey", written in dark ink.

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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE